



STATE OF REPAIR

THE TENANTS' CASE FOR LANDLORD LICENSING IN TORONTO

Written by Toronto ACORN – November 1st 2016

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TENANT QUOTES:

"Building has upgraded the lobby at least 6 or 7 times in the past ten years but I would practically need to bleed & beg to get a \$10 toilet seat or a new \$30 kitchen fan"

"Repairs are only done to the common areas, never to the units unless you are a new tenant"

INTRODUCTION

Toronto ACORN (Association of Community Organizations for Reform Now) is an independent national organization of low and moderate income families with 20,000 members in every corner of the city. ACORN believes that social and economic justice can best be achieved with a city-wide membership who are invested in their organization and focused on building community power for change.

Since our inception in 2004 in York South Weston our membership has been pushing property owners, management companies, and the City of Toronto Municipal Licensing and Standards Division to ensure that all Toronto tenant families have basic health and safety standards upheld in their rented homes. In 2008, after a failed attempt to get a licensing system for landlords passed through city council, the City of Toronto introduced the Multi Residential Apartment Building (MRAB) audit program.

The proactive aspect of MRAB is that it sends out property inspectors to a certain number of buildings every year for an audit. However, it is discretionary because the buildings chosen by MRAB for audits are based on complaint calls to the city or are at the discretion of city staff. Over the last 8 years MRAB has proven that proactive enforcement can improve the conditions in Toronto's rental communities. That said, because the remedial powers and financial resources are limited, along with the overall budget of the program being too small, MRAB was doomed to failure. The problems facing tenants are too big for a limited program like MRAB to succeed.

In 2014, ACORN members took matters into their own hands, and collected 2700 property standards violations from tenants across Toronto. In November 2014 they delivered these violations and their message to then new Mayor John Tory and to Municipal Licensing and Standards, helping restart a city-wide conversation about what the city's responsibility is to ensure all Torontonians live in healthy and safe conditions.

EXECUTIVE SUMMARY

This survey was done over the same period of time that Municipal Licensing and Standards held public consultations around licensing rental apartment buildings. ACORN's membership participated in these public forums but wanted something that better illustrated what the *state of repair* really is in Toronto's apartment buildings.

The survey was distributed to low and moderate income ACORN members and families across Toronto in order to measure the extent of the problem of substandard living conditions in Toronto's rental apartments.

The survey results reveal that the majority of Toronto tenants are struggling to pay their rising rents and at the same time have major deficiencies in their homes.

The survey also shows that while MRAB is somewhat effective in getting much needed repairs done in apartments, MRAB is inadequate to deal with the scale of the problem the City of Toronto faces with its aging market rental housing stock. MRAB's main success is that it proves proactive systems of enforcement can work. This limited success of MRAB begs the question: would a made-to-scale licensing system for landlords help ensure the city's property standards are enforced? It is not just ACORN members that think the answer to that question is yes.

- ***69.5% of respondents say that repairs were needed in their unit on the day they moved in***
- ***95% of respondents report living with a violation of municipal property standards***
- ***31% of respondents see cockroaches every day in their unit***

Late this fall the mayor and city council will decide the fate of the proposed landlord licensing program. This report acts as a reminder to Mayor Tory and city council that they represent all of Toronto, not just homeowners. A licensing regime would increase the quality of life for hundreds of thousands of residents while being revenue neutral and costing tax payers nothing.

WHAT IS LANDLORD LICENSING?

Currently inspections of buildings are mainly complaint based. Complaint based inspections don't work for many reasons: tenants don't know to call 311, tenants don't know their rights, tenants are afraid of landlords and eviction, language issues or tenants eventually become unwilling to sacrifice their time and energy complaining when they fail to get results.

Landlord licensing would make it so that there are annual inspections of all buildings in the City of Toronto with 3 or more floors and 10 or more units, and would make it so that landlords that fail these inspections would face large financial punishments from the city. Landlord licensing would create a system similar to the licensing of restaurants. Buildings will have an annual inspection of common areas, boilers, elevators, and electrical systems. The inspections will also check if landlords are keeping up with cleaning, maintenance and pest control requirements. The landlord would pay a small fee for every unit in their building to the city and city inspectors would ensure that healthy standards are upheld without undue burden on the city's budget.

METHODOLOGY

Toronto ACORN's State of Repair survey was conducted between August 15th and October 11th 2016. 174 surveys were completed: 134 online and 40 handwritten. The majority of respondents were ACORN members. The four principal areas the questions asked about in the survey were:

- 1) What is the state of repair in the apartment building you live in?
- 2) What has been your experience getting repairs from your landlord?
- 3) What has been your experience getting help from the city to get repairs?
- 4) What has been your experience with the city's MRAB program?

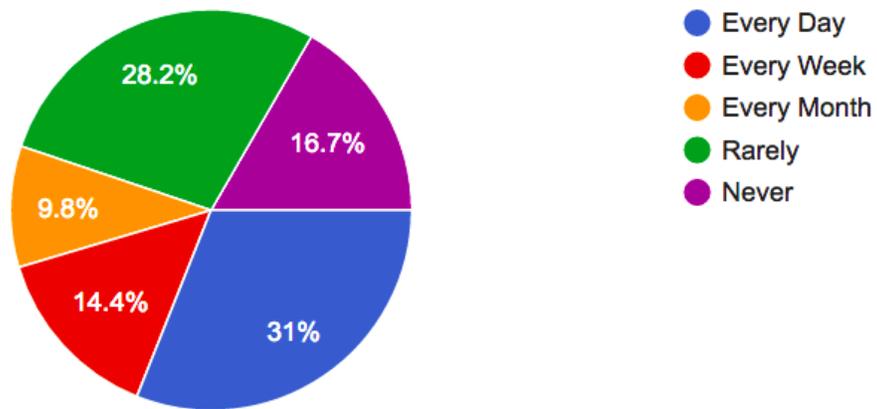
The targeted demographic for respondents were low and moderate income members of Toronto ACORN. The survey was sent out electronically through our membership lists of low-income earners and administered in person by ACORN staff members at community meetings in low-income neighbourhoods. An important limitation of this survey that needs to be addressed is that the majority of respondents (74.3%) filled out the survey online. This may suggest that a large number of respondents to this survey have a home internet connection and therefore skew results towards a younger or more affluent respondents. The 8% of respondents who answered that they live in apartments which do not fall under the requirements for landlord licensing (3 or less floors, fewer than 10 units) demonstrates that further work needs to be done by the city on addressing smaller landlords and rooming houses.

RESULTS

Building Conditions

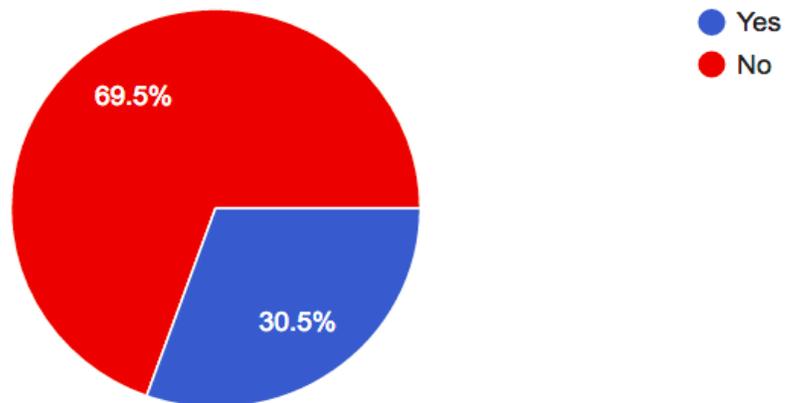
Tenants reported a high rate of violations of municipal property standards laws in their apartments. In total 95% of tenants surveyed identified a violation. The conditions in the buildings indicated by this report are unacceptable, and illustrate the need for a city-wide policy solution.

How often do you see cockroaches? (174 responses)



83% of tenants surveyed have seen cockroaches in their homes.

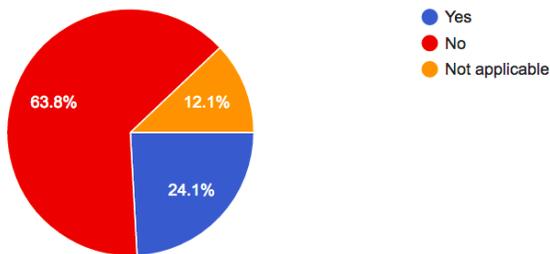
Have you had bedbugs in the past 2 years? (174 responses)



30.5% of tenants surveyed have had a bedbug infestation in the last 2 years.

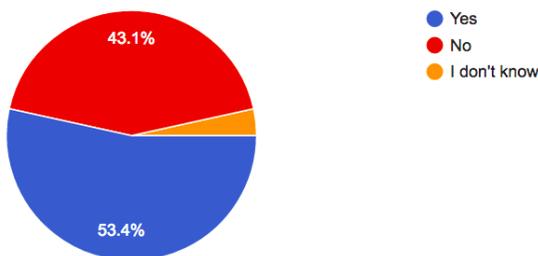
TENANTS DESERVE BETTER

Have you been trapped in your elevator in the past 2 years? (174 responses)



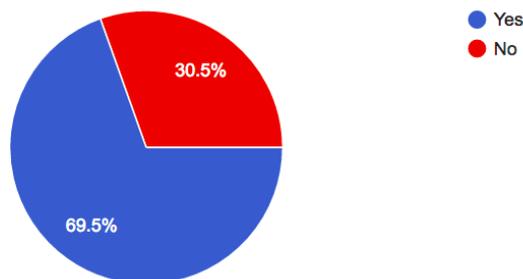
24% of tenant surveyed have been stuck in their elevator.

Have you ever experienced a lack of heat in the winter in your building?
(174 responses)



53% of tenants surveyed report a lack of heating in the winter.

When you moved into your unit were repairs needed? (174 responses)



69.5% of tenants surveyed needed repairs done when they moved into their apartment unit.

**95% REPORT
VIOLATIONS OF
TORONTO'S
PROPERTY
STANDARD
BYLAW**

**53% HAVE A
LACK OF HEAT
IN WINTER**

**48% REPORT
POOR
VENTILATION**

**24% HAVE BEEN
STUCK IN AN
ELEVATOR**

24% HAVE MOLD

**45% HAVE
COCKROACHES**

Property Standard Violation Checklist

Paint is peeling	41%
Holes or cracks in walls or ceiling	32%
Balcony door is broken	14%
Cockroaches	50%
Lack of water pressure	19%
Unfinished repairs	29%
Poor ventilation in kitchen or bathroom	48%
Out of date appliances	37%
Appliances do not work properly	17%
Countertop is damaged	22%
Lights don't work properly	11%
Water damage in apartment	21%
Drafty windows	24%
Mold in apartment	24%
Closet doors do not work properly	27%
I have no issues in my suite	5%
Electrical sockets not working	28%

These questions were informed by our experience collecting property standard complaints during our Healthy Homes campaign in 2014. The survey asked respondents what issues they were facing in their units and common areas.

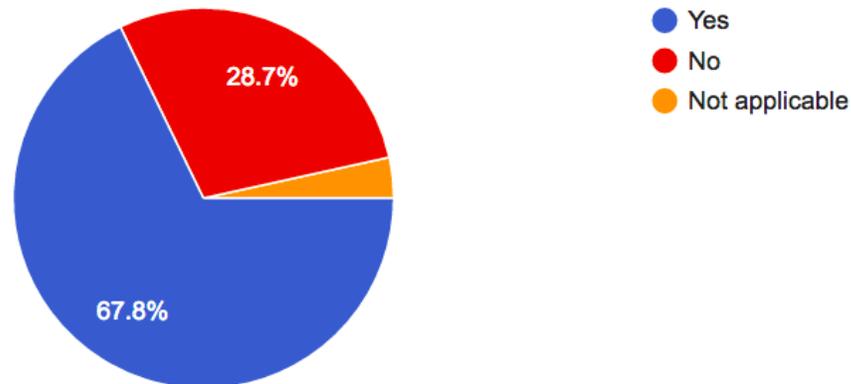
Getting Repairs Done

Tenants who responded to the survey report staggering levels of trouble getting basic repairs done in their units. While it is often the case that the workers in the buildings are ill equipped, low paid, over worked, and often untrained to do the repairs needed by tenants, it is the responsibility of the landlord to meet the basic health and safety standards laid out in Toronto's property standards bylaws.

According to our survey 29% of tenants feel threatened when making complaints about conditions in their apartments. This staggering revelation shows the need for the City of Toronto to implement a proactive licensing system that includes tenant outreach. The time of fearing reprisals in order to get basic repairs done in an apartment needs to end in Toronto.

Have you ever had problems getting repairs done in your building?

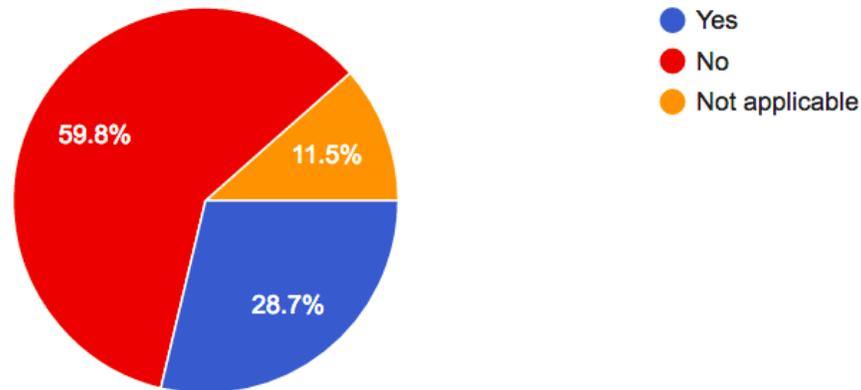
(174 responses)



68% of tenants surveyed reported having trouble getting basic repairs done.

Do you feel threatened when making complaints about the building?

(174 responses)



29% of tenants surveyed feel threatened when making complaints.

Complaints to The City

Although there is a complaint system for tenants in Toronto, respondents to the survey overwhelmingly replied that they do not make use of this system when their landlords fail to make repairs. There are a couple key reasons for the lack of tenant complaints to the city's 311 system.

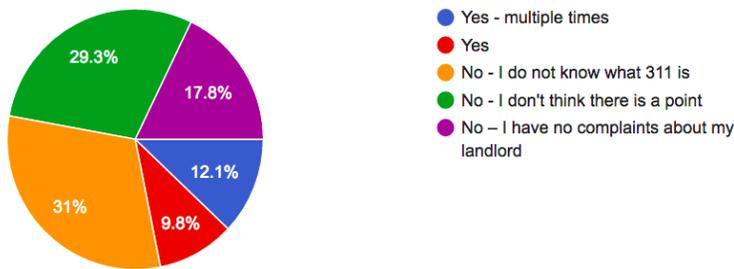
First, there is a lack of education and outreach by the city to tenants. Tenants are unaware both of their rights and that the City of Toronto has property standards which their landlords are legally bound to uphold. Nearly one third of survey respondents said that they did not know what 311 was. It does not matter if 311 is simple to use if many tenants are not aware it exists or do not understand its purpose.

A second reason that respondents said they don't make complaints to the city is that they have no faith that anything will happen if they do complain. Because the city lacks 'teeth' to get compliance from problem landlords, tenants often see nothing changed after registering their complaint with the city. Getting repairs done often becomes a second job for tenants, and many just give up once an obstacle appears. Almost one third of those surveyed said they see

no point in calling 311, despite being aware of their rights and the laws in place to protect them.

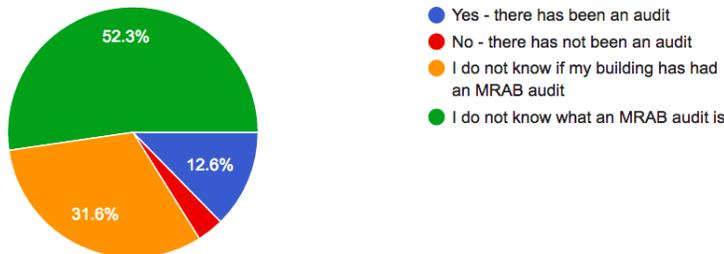
The city's current MRAB program, only works and gets results when it does go into apartment buildings. However, the limited number of inspections and the discretionary nature of which buildings are targeted puts strict limits on what it can accomplish. It lacks the scale, funding and enforcement powers necessary to deal with the problems we are seeing across Toronto. A robust proactive inspection system with penalties when the property standards are not being met is needed. Such a system would increase awareness and achieve the buy-in from tenants needed to ensure and maintain a healthy housing environment in Toronto.

Have you called 311 to file a complaint against your landlord? (174 responses)



Only 22% of tenants call 311 to report the violations in their apartments.

Has your building had an MRAB Audit? (174 responses)



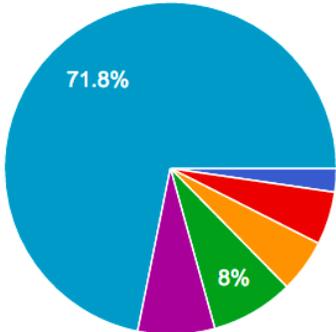
Only 16% of respondents are aware of what the MRAB audit program is and what it can do.

ROOM TO IMPROVE

Nearly one third of those surveyed said they see no point in calling 311, despite being aware of their rights and the laws in place to protect them.

Only 2% of our respondents found that MRAB improved their building conditions.

Did the MRAB audit improve the conditions in your building? (174 responses)



- Yes - and conditions are still good
- Yes - but the improvements didn't last more than a year
- Yes - but the audit also missed a lot of problems in the building
- No - conditions did not improve
- No - and conditions have gotten worse
- Not applicable

Only four respondents to the survey reported that an MRAB audit improved conditions in their building.

CONCLUSION

The results of this survey show that there is an urgent need for the city to move forward on landlord licensing. Nearly every single respondent to the survey described having maintenance issues in their apartments and being unable to get repairs by their landlord. Tenants are either fearful of going to their landlords for repairs, or are unaware that the city has property standards and runs the 311 phone line for tenants to make complaints to and get help.

The MRAB program only works for the few buildings it does go into and it is only proactive after it is triggered by complaints. MRAB is still a discretionary program, the buildings which are targeted by MRAB are based on the number of 311 complaints received by the city. It lacks the necessary scale, funding and powers to make real impacts for the hundreds of thousands of tenants in substandard apartments across the city.

ACORN members would prefer to see their rights written into law. There needs to be proactive inspections for all apartment buildings across the city with a component focused on tenant outreach and engagement.

Toronto ACORN's *State of Repair* serves as an important reminder to Toronto City Council and Mayor John Tory that there is a pressing need to do something real to address the health and wellbeing of half of the city's population. As Toronto City Council considers the staff report on landlord licensing through November and December, this *State of Repair* report makes clear the problems that a landlord licensing program will be addressing and the people it will directly benefit.